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M E M O R A N D U M

Four draft resolutions on East Timor have been tabled for consideration by the ACP-EEC Joint Assembly during its meeting in Port Moresby form 19 - 23 March 1990.

As it seems to be the persistent practice of certain quarters to hurl unjustified allegations against Indonesian Government and People, which are mostly based on incomplete, inaccurate and outdated information, the Indonesian Embassy finds it necessary to provide the distinguished members of the ACP - EEC Joint Assembly with the following information :

The Act of Self-determination

1. The people of East Timor have exercise their legitimate right to self-determination by deciding in 1976 to be independent through integration with Indonesia in accordance with their traditional practices and on the basis of, and in full compliance with General Assembly resolutions 1514 (XV), 1541 (XV) and 2625 (XXV). This process was witnessed by scores of foreign diplomats and international media representatives.

2. It is moreover a matter of record that in 1976, the Provisional Government of that territory regularly informed the United Nations of the development and made every efforts to have that organization participate in the decolonisation process. Indeed, a delegation of the Provisional Government of East Timor was dispatched to New York and Geneva with that specific purpose. Regrettably, these invitations were accorded a negative response. In spite of these disappointments, the Provisional Government of East Timor never failed to report each and every stage of that process to the Secretary General of the United Nations, his Special Representative, the President of the Security Council, and the Chairman of the Committee on Decolonisation.

3. By irresponsibly abandoning East Timor on 26 August 1975 at the height of the civil war instigated by it, Portugal inflicted much suffering and many casualties on the innocent East Timorese. The situation had been aggravated by the reign of terror unleashed by FRETILIN following Portugal's departure. With the breakdown of authority in East Timor, the civil war raged on, causing a massive influx of tens of thousands of refugees into Indonesian West Timor, thereby creating not only security problem, but also a serious economic and social burden for Indonesia in providing humanitarian relief to the innocent victims of FRETILIN brutalities. By October 1975, many thousands had lost their lives in the civil war and more than 42,000 refugees had crossed the border into West Timor.

4. It should be noted that although the 4 major parties existing in East Timor at that time submitted a petition to the Indonesian Government to integrate with the Republic of Indonesia on 7 September 1975, the latter, while welcoming the request, insisted that such a decision should be based upon the result of the exercise of the right to self-determination by the people of East Timor. The implementation of the process of the right to self-determination took place on 31 May 1976 when the People's Assembly of East Timor decided to formally request the Government to accept the integration of the territory with the Republic of Indonesia. Indonesia considered this request only after a fact-finding mission had been sent to the territory to determine whether this request genuinely represented the wishes of the majority of the people.

5. Acting on the positive report of the fact-finding mission, the Indonesian Parliament approved a bill for integration on 15 July 1976 which subsequently promulgated by the President on 17 July of the same year. Hence, Indonesia's role was to contribute to the democratic process of decolonisation by helping to ensure that the expressed will of the majority was not overruled by the unilateral seizure of power by a minority faction sponsored by Portugal. It should additionally be recalled that in the exercise of their political freedom and inalienable rights, the people of the province reaffirmed their decision to integrate with the Republic of Indonesia by participating in the general elections of 1982 and 1987.

6. The decision of the East Timorese to integrate with the Republic of Indonesia has been recognised by the majority of the countries in the region. In 1982, of the 26 nations in Southeast Asia and the Pacific which are members of the United Nations, 23 refused to support the General Assembly resolution on East Timor. As is well known, acceptance by the states in the region concerned constitutes an important factor in the process of decolonisation. Moreover, it should be noted that the number of member states of the United Nations which acknowledged this decision has increased while the United Nations General Assembly has yearly deferred discussion on the question for seven times since 1983.

Efforts by the Secretary-General of the United Nations

7. A dialogue between Indonesia and Portugal under the auspices of the Secretary-General of the United Nations has been held since 1983. Far from being intrasigent, Indonesia has consistently demonstrated not only by words, but also by deeds, its full co-operation with the Secretary-General in exploring ways and means that would enable the latter to achieve an internationally acceptable solution. As proof of its goodwill and in order to facilitate the task of the Secretary-General by creating an atmosphere conducive to a solution, the Indonesian House of Representatives extended an

invitation in February 1987 to the Portuguese Parliament to send a delegation to visit East Timor. It is Indonesia's firm belief that if Portugal adopts a constructive attitude and demonstrated that its too, is genuinely committed to such a goal, then a comprehensive solution is feasible. In view of the continuing efforts of the Secretary-General, Indonesia opposes any consideration of the so-called question of East Timor in any forum since it will only undermine and jeopardize those efforts.

Open Access to East Timor

8. It is also pertinent to note that as of 1 January 1989, East Timor was declared a province having a status completely equal to the other Indonesian provinces. The East Timorese may travel to any other parts of Indonesia and vice versa, while regulations concerning the travel of foreigners to East Timor have been eased. Since then, more foreign tourists, journalists and dignitaries have visited the province. In 1989 alone, over 6,190 tourists visited East Timor and no less than 300 foreign journalists came to the province during the visit of Pope John Paul II. In this connection, it is also important to add that a number of respected international humanitarian organizations such as the ICRC, UNICEF, UNDP, UNHCR, and the CRS have been active operating in the province for many years since 1979. These international organizations have maintained regular access to and throughout East Timor.

Beyond the extensive presence of international humanitarian agencies in East Timor, numerous visits continue to take place every year to the province by scores of journalists, foreign dignitaries and diplomats.

Social, Cultural, Economic and Religious Development

9. In various aspects of development, East Timor's record has been impressive. Under Portugal, there were 70 primary schools, 4 junior high schools, 1 high school and no university in the whole territory of East Timor. Today, in contrast, there are 500 primary schools, 80 junior schools, 28 high schools, 3 teachers, colleges, 3 agricultural schools and 1 university in addition to a polytechnic and an engineering school. In 450 years of colonial rule, Timor produced a total of 10 university graduates. Today, more than 124 Timorese have gained university degrees with another 1,000 attending university studies.

10. It is the established policy and the constitutional duty of the Indonesian Government to preserve and develop the cultural heritage of each and every ethnic group, including the people of East Timor. In East Timor, the people's culture is fully respected. Traditional, linguistic, cultural and religious ceremonies and practices are exercised without restriction.

11. With regard to health care, in 1975 there were only 15 doctors in the province. There are now 100' doctors working in 5 hospitals in East Timor, which gives East Timor the most favorable ration of doctors to population in Indonesia. Agriculture in the province has boomed as a result of increased education, better facilities and Government initiatives. An indicator of rising living standards in the province in the increase in per capita income in East Timor, has increased by 400 %. It is a matter of record that this impressive development in East Timor has been achieved as a result of the fact that budget allocated to East Timor is higher than that assigned to the other provinces in Indonesia.

12. Religious freedom and religious tolerance in Indonesia including East Timor, are guaranteed by the State Philosophy, PANCASILA and the Constitution. In this regard, it is relevant to mention that Pope John Paul II in October last year visited various parts of Indonesia, including East Timor, and witnessed religious freedom and religious tolerance being practiced. In his speech on 13 January 1990 to the Diplomatic Corps accredited to the Holy See at the Vatican, he stated inter alia :

> "I could personally verify the beneficial effects of the inter-confessional understanding in Indonesia where the principles of 'PANCASILA' allow Islam and the other religions practiced by the inhabitants of this country to encounter themselves in an harmonious dialogue which is benefit to the whole society."
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> (Translated from L'Observatore Romano No. 5, 29 January 1990).

It is also important to note that since integration, East Timor has witnessed a considerable increase in the number of baptisms into the Catholic faith. For example, the average of 100 to 200 baptisms conducted at parochial districts before integration has increased to an average of 1,000 to 2,000 baptisms after integration. The number of Catholic has likewise increased from 125,000 (1976) to 547,000 (1989).

Indonesia's Respect for Human Rights

13. The Indonesian State Philosophy, PANCASILA, as well as its national Constitution on 1945, highly respect universal principles and values, including human rights and the fundamental freedoms of every person. These principles and values have been translated into laws and regulations by the Government of Indonesia precisely to protect the right of an individual to physical and mental integrity and human rights.

14. The relevant articles of the 1945 Constitution stipulate that every citizen has the right to work and to a living; freedom of association and assembly; and of expressing thoughts orally and in writing. The articles concerned also guarantee the right to participate in the defense of the State, as well as to adhere to a religion and to perform the religious duties in conformity with that faith.

15. Torture and other forms of ill-treatment are therefore by law, subject to disciplinary actions and prosecution, the proceedings of which are held in public and are widely publicized in the Indonesia as well as foreign medias. The Government has also taken measures to prevent torture or ill-treatment from occurring, since it has always been the determination of the Government to ensure that the safeguards and arrangements existing in the laws and regulations are strictly enforced.

In light of the aforementioned, it is therefore clear that the allegations leveled against Indonesia with regard to East Timor are essentially politically motivated, unsubtantiated and highly exaggerated. It is the sincere hope of the Indonesian Embassy that the distinguished members of the ACP - EEC Joint Assembly will not give credence to the claim that the people of East Timor have never exercised their right to self-determination. This right was fully exercised in 1967 and was reaffirmed in the general elections of 1982 and 1987 which constituted the best proof that the East Timorese have fully integrated into Indonesian political life together with other Indonesians from other provinces. Any attempt to pretend otherwise not only disrespects the expressed will of the East Timorese, but also fails to take into account the realities of the situation. Nor should any consideration be moreover accorded to the unjustifiable claims that Indonesia violated the human rights and fundamental freedoms of its citizens.

Port Moresby, 21 March 1990

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